

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GS HOLISTIC, LLC,

Plaintiff,

v.

KING'S SMOKE SHOP & VAPE, et al.,

Defendants.

No. 2:23-cv-00351 KJM CKD

ORDER

Plaintiff's motion for default judgment against two defendants is before the court. (ECF No. 37.) On August 18, 2025, the magistrate judge filed findings and recommendations, which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court"). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The August 18, 2025 findings and recommendations (ECF No. 40) are **adopted in**
3 **full;**
4 2. Plaintiff's motion for default judgment (ECF No. 37) is **denied;**
5 3. The First Amended Complaint (ECF No. 23) is **dismissed without prejudice;** and
6 4. Plaintiff is granted thirty (30) days to file an amended complaint or face dismissal of
7 this action.

8 This order resolves ECF Nos. 37, 40.

9 IT IS SO ORDERED.

10 DATED: September 18, 2025.

11 
12 SENIOR UNITED STATES DISTRICT JUDGE

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